Remarks

Entry of the above amendments is requested for the purpose of removing the grounds for the formal rejections in the first Office Action, and for distinguishing the claimed invention from the references cited and applied against the claims.

Regarding the formal rejections, dependent claims 2-4 have been amended to refer to parent claim 1 in a system context; while dependent claims 6 and 7 have been amended to refer to parent claim 5 in a method context. In addition, independent method claim 5 has been amended to provide proper antecedent basis for the new parenthetical term used in dependent claim 6. As currently amended, it is respectfully submitted that all claims fully comply with the formal requirements of 37 C.F.R. and that the initial rejection of originally presented claims 1-7 is no longer applicable.

With reference to the rejection of the originally presented claims under 35 U.S.C. 102(b) as allegedly anticipated by the disclosure of U.S. Patent No. 4,734,862 to Marcus et al. (the '862 Marcus reference), it is respectfully submitted that the invention defined by the current claims is neither anticipated by, nor obvious over, the disclosure of the '862 Marcus reference for the following reasons. The Marcus '862 reference is directed to a conflict monitor for traffic control systems of the type disclosed in the introductory section of the subject application. The Marcus '862 system monitors the traffic control signals, and the pedestrian WALK and DON'T WALK pedestrian advisory signals, and tests for conflicts in the conventional manner described in the introductory section of the subject application. Conflicts are stored in memory and are displayed using a plurality of LED indicators. The only specific examples given of conflicts in the Marcus '862 reference are a "green"-"green" conflict (Col. 1, lines 28-31); a "green"-"WALK" conflict (Col. 1, lines 35-38); and a "green"-"green" conflict between channel 1 and channel 2 (Col. 7, line 67-Col. 8, line 2).

These conflicts all require a full ON operation of the conflicting signals. Marcus is absolutely silent with respect to testing for conflicts involving flashing pedestrian advisory signals.

In contrast, independent system claim 1 is expressly directed to a system for testing for conflicts between flashing pedestrian advisory control signals- specifically flashing DON'T WALK control signals- and traffic light control signals. While the Examiner has cited Col. 1, lines 15-39 for the supposed teaching of detecting a conflict between a flashing DON'T WALK input signal and other traffic control signals, there is nothing in the referenced text which supports this assertion. Consequently, it is respectfully submitted that claim 1 is clearly patentable over the disclosure of the Marcus '862 reference.

Claim 2 is directed to a manually settable switch for enabling and disabling the means for monitoring for conflicts between flashing DON'T WALK control signals and traffic light control signals. The claimed switch enables the operator to select whether or not this functional capability is to be used in a given installation. The switch 10 shown in the Marcus '862 reference and cited by the Examiner serves an entirely different purpose-viz., to cause the microprocessor 2 to activate the display 14 to display the status of each channel at the time a prior conflict occurred (see Col. 3, line 66-Col. 4, line 1; Col. 8, lines 25-51). There is nothing in Marcus '862 which directly teaches or inherently suggests the use of switch 10 (or any other switch) to enable and disable the conflict monitoring means. Accordingly, it is respectfully suggested that claim 2 is clearly patentable over the disclosure of the Marcus '862 reference.

Claim 3 is directed to a display for indicating whether the means for monitoring for conflicts between flashing DON'T WALK control signals and traffic light control signals is enabled. This claimed display provides a visual indication to the operator that the monitoring means is operational. While the Examiner has cited display 14 of Marcus '862 as an alleged anticipation of this claim, it is respectfully submitted that the Marcus '862 display does not possess this functional capability. The Marcus '862 display is described in Col. 4, lines 2-5; Col. 7, lines 52-668; and Col. 8, lines 1-52. As clearly taught in these portions of the reference, the display 14 provides visual indications of the status of each of the channels during prior conflicts or other prior errors. There is nothing in

Marcus '862 which teaches directly or inherently suggests providing a display for the purpose of indicating the operational status of the means for monitoring for conflicts between flashing DON'T WALK control signals and traffic light control signals. This is not surprising, since the Marcus '862 system has no provision for enabling and disabling this special monitoring system. Consequently, it is respectfully submitted that claim 3 is clearly patentable over the disclosure of the Marcus '862 reference.

Claim 4 further defines the display of claim 3 as one which includes a plurality of display units assigned to different channels to indicate those channels for which the monitoring means is enabled. In the system according to the invention, it is possible to enable the monitoring means for specific channels, and the display of claim 4 provides a visible indication to the operator of which channels (if any) are so enabled. Since there is nothing in Marcus '862 which teaches a single enablement display, *pari passu* Marcus fails as a teaching reference for the display of claim 4.

Claim 5 is directed to the method of monitoring for conflicts between flashing DON'T WALK signals and traffic light control signals which requires the steps of detecting a flashing DON'T WALK pedestrian advisory sign control signal, detecting the states of other (traffic light) control signals, and generating a conflict signal when a conflict occurs between a flashing DON'T WALK signal and at least one of the other control signals. As discussed above in detail, Marcus '862 neither teaches directly nor inherently suggests monitoring any flashing control signals, much less flashing DON'T WALK pedestrian advisory control signals. Consequently, it is respectfully submitted that method claim 5 is clearly patentable over the disclosure of Marcus '862.

Claim 6 is the method counterpart to dependent system claim 4 and covers the display of enabled channel information. Specifically, this claims adds the step of providing a display of those channels on which the step of generating a conflict signal is enabled. For the reasons advanced above with regard to claim 4, it is respectfully submitted that method claim 6 is clearly patentable over the disclosure of Marcus '862.

Method claim 7 is directed to manually enabling the step of generating a conflict signal, and is the method counterpart to dependent system claim 2. For

the reasons advanced above with regard to claim 2 it is respectfully submitted that method claim 7 is clearly patentable over the disclosure of Marcus '862.

Newly presented dependent system claim 8 and dependent method claim 9 are directed to the minimum persistence feature described in the subject application on page 6, in lines 15-25. In particular, to avoid false generation of a conflict signal, in the preferred embodiment the flashing DON'T WALK conflict must persist for a minimum time period (1500 msec. in the specific example given) before the conflict signal is generated. It is respectfully submitted that these claims are clearly patentable over the disclosure of Marcus '862 for reasons already advanced above.

Newly presented dependent method claim 10 is the method counterpart to dependent system claim 3 covering the display of the enabled state of the monitoring means. For the reasons advanced above with regard to claim 3 it is respectfully submitted that method claim 10 is clearly patentable over the disclosure of Marcus '862.

The remaining references have been carefully considered, but are not seen to supply the deficiencies noted in the Marcus '862 reference.

In view of the above remarks, it is respectfully submitted that this application is clearly in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this case for issue.

If deemed useful in any further prosecution of this application, the Examiner is invited to contact the undersigned at 702-270-8853.

Accompanying this amendment is a notice of change of address. Please direct all future correspondence in this case to the new address.

Respectfully Submitted,

Warren P. Kujawa
Reg. No. 25142